

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 17, 2012**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Black, Block, Smith(24). Total – 3.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jakob Goold, Page.

Approval of Journal

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

February 16, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1219](#) and [S 1222](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1219](#) and [S 1222](#) and, when so signed, ordered them returned to the Senate.

February 16, 2012

Mr. Speaker:

I return herewith enrolled [H 384](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [H 384](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 36](#), [H 552](#), [H 553](#), [H 554](#), and [H 555](#).

WILLS, Chairman

[HCR 36](#) was filed for second reading.

[H 552](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 553](#) and [H 554](#) were referred to the State Affairs Committee.

[H 555](#) was referred to the Health and Welfare Committee.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 498](#) and [H 499](#) and recommend that they do pass.

NONINI, Chairman

[H 498](#) and [H 499](#) were filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1269](#) and report it back to be placed on General Orders for consideration.

NONINI, Chairman

[S 1269](#) was placed on General Orders for consideration.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 34](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 34](#) was filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 480](#) and recommend that it do pass.

PALMER, Chairman

[H 480](#) was filed for second reading.

February 16, 2012

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 511](#) and report it back with amendments attached to be placed on General Orders for consideration.

PALMER, Chairman

[H 511](#) was placed on General Orders for consideration.

February 17, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 519](#) and recommend that it do pass.

LAKE, Chairman

[H 519](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

House of Representatives
State of Idaho

February 14, 2012

The Honorable Ken Andrus, Chairman
Agricultural Affairs Committee

Dear Representative Andrus:

I hereby designate the Agricultural Affairs Committee a privileged committee on Thursday, February 16, 2012, for the purpose of introducing RS21270 (**HCR 37**) and RS21272 (**HCR 38**), both rejecting rules, has been granted.

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE CONCURRENT RESOLUTION NO. 37
BY AGRICULTURAL AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE BOARD OF VETERINARY MEDICINE RELATING TO RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Board of Veterinary Medicine relating to Rules of the State of Idaho Board of Veterinary Medicine is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 46.01.01, Board of Veterinary Medicine, Rules of the State of Idaho Board of Veterinary Medicine, Section 100, Subsection 02.c, only, adopted as a pending rule under Docket Number 46-0101-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HOUSE CONCURRENT RESOLUTION NO. 38
BY AGRICULTURAL AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING BRUCELLOSIS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Agriculture relating to Rules Governing Brucellosis is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 02.04.20, Department of Agriculture, Rules Governing Brucellosis, Section 123, Subsection 01, only, adopted as a pending rule under Docket Number 02-0420-1101, be, and

the same is hereby rejected and declared null, void and of no force and effect.

HCR 37 and **HCR 38** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

House of Representatives
State of Idaho

February 15, 2012

The Honorable Lenore Hardy Barrett, Chairman
Local Government Committee

Dear Representative Barrett:

I hereby designate the Local Government Committee a privileged committee on Thursday, February 16, 2012, for the purpose of introducing RS21305C1 (**H 560**), urban renewal, and RS21308 (**H 561**), a moratorium on certain industrial wind farms and wind turbines, has been granted.

Sincerely,
/s/ Lawrence Denney
Speaker of the House

**HOUSE BILL NO. 556
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE PERSONNEL SYSTEM; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5333A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SICK LEAVE OF CERTAIN EMPLOYEES OF IDAHO COMMUNITY COLLEGES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5333B, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SICK LEAVE AND CERTAIN FORMER EMPLOYEES OF SELLAND COLLEGE OF APPLIED TECHNOLOGY AT BOISE STATE UNIVERSITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 557
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PORT DISTRICTS; AMENDING SECTION 70-1101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AUTHORIZATION OF PORT DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 70-1107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN ELECTION AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 558
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO RESIDENTIAL CARE PROVISIONAL PERMITS; AMENDING SECTION 54-4211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHOM A RESIDENTIAL CARE PROVISIONAL PERMIT MAY BE ISSUED AND TO PROVIDE CODE REFERENCES.

HOUSE BILL NO. 559
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO ECONOMIC ESTIMATES; AMENDING SECTION 67-6802, IDAHO CODE, TO REVISE THE DUTIES OF THE ECONOMIC ESTIMATES COMMISSION; AMENDING SECTION 67-6803, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXPENDITURE LIMITS; AMENDING SECTION 63-3024, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMPUTATION OF TAX IMPOSED UPON INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3025, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TAX ON CORPORATE INCOME; AMENDING SECTION 63-3025A, IDAHO CODE, TO REVISE PROVISIONS RELATING FRANCHISE TAX; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 560
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO URBAN RENEWAL LAW; REPEALING CHAPTER 20, TITLE 50, IDAHO CODE, RELATING TO URBAN RENEWAL LAW; AMENDING SECTION 50-2904, IDAHO CODE, TO REMOVE LANGUAGE REFERRING TO URBAN RENEWAL PLANS; REPEALING SECTION 50-2905, IDAHO CODE, RELATING TO RECOMMENDATION OF URBAN RENEWAL AGENCY; PROVIDING FOR THE ASSUMPTION OF FIDUCIARY RESPONSIBILITY AND THE RETURN OF CERTAIN UNEXPENDED MONEYS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 561
BY LOCAL GOVERNMENT COMMITTEE
 AN ACT

RELATING TO A MORATORIUM ON CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES FOR A TIME CERTAIN; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6539, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO PROVIDE A MORATORIUM FOR A TIME CERTAIN ON THE PERMITTING, LICENSING OR CONSTRUCTION OF CERTAIN INDUSTRIAL WIND FARMS AND WIND TURBINES AND TO PROVIDE FOR CREATION OF A LEGISLATIVE TASK FORCE; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 562
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE APPLICATION TO CERTAIN TAX LEVIES OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 63-803, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION; AND AMENDING SECTION 63-811, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION.

HOUSE BILL NO. 563
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3024, IDAHO CODE, TO REDUCE THE INCOME TAX RATE ON A CERTAIN AMOUNT OF

IDAHO TAXABLE INCOME; AMENDING SECTION 63-3025, IDAHO CODE, TO REDUCE THE CORPORATE INCOME TAX RATE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

[H 556](#), [H 557](#), [H 558](#), [H 559](#), [H 560](#), [H 561](#), [H 562](#), and [H 563](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 376](#), [H 419](#), [H 466](#), [H 467](#), and [H 468](#), by Business Committee, were read the second time by title and filed for third reading.

[H 517](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 532](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[S 1265](#) and [S 1266](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), and [H 401](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[H 404](#), as amended in the Senate, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, Mr. Moyle took the Chair.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 464](#) - OIL AND GAS

[H 464](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson to open debate.

The question being, "Shall [H 464](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Higgins, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, Killen, King, Pence, Perry, Ringo, Rusche, Smith(30), Trail. Total – 13.

Absent and excused – Block, Hart, Smith(24). Total – 3.

Paired Votes:

AYE -- Black	NAY -- Chew
AYE -- Lake	NAY -- Buckner-Webb
AYE -- DeMordaunt	NAY -- Trail
AYE -- McGeachin	NAY -- Rusche

(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker declared that [H 464](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 20, 2012. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, the Speaker took the Chair.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 404](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 404](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Roberts.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Bolz, Boyle, Chadderdon, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 50.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Killen, King, Lacey, Pence, Rusche, Smith(30), Trail. Total – 12.

Absent and excused – Black, Block, DeMordaunt, Hart, Jaquet, Lake, McGeachin, Smith(24). Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 404](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 404](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Loertscher, Luker,

Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Jaquet, Killen, King, Lacey, Pence, Ringo, Rusche, Smith(30), Trail. Total – 14.

Absent and excused – DeMordaunt, Hart, Lake, McGeachin, Smith(24). Total – 5.

Paired Votes:

AYE -- Black	NAY -- Higgins
AYE -- Block	NAY -- Trail
AYE -- Patrick	NAY -- Jaquet

(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker declared [H 404](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

OFFICE OF THE SECRETARY OF STATE

January 30, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

Pursuant to Section 72-1508, Idaho Code, I hereby transmit a copy of the new Legislative plan submitted by the Commission for Reapportionment. This report includes the revised plan as directed by the Idaho Supreme Court that was adopted on January 30, 2012.

I thank you for your cooperation in this matter.

/s/ Sincerely,
Ben Yursa
Secretary of State

Pursuant to Section 72-1508 Idaho Code, the Speaker ordered the [Final Report of the Commission for Reapportionment](#) spread upon the pages of the journal.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Monday, February 20, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:25 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk